

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

RAETELL M. BUCHANAN,)
v.)
Plaintiff,)
THOMAS DART, et al.,)
Defendants.)
Case No. 14 C 27

MEMORANDUM ORDER

Apparently the third time does sometime prove the charm. After this Court had issued repeated memorandum orders (Docket 6 dated January 9, 2014, Docket 12 dated February 26, 2014 and Docket 16 dated March 11, 2014), Cook County Department of Corrections ("Cook County Jail") inmate Raetell Buchanan ("Buchanan") has finally provided the information necessary to allow this Court to make the determination called for by 28 U.S.C. 1915 ("Section 1915"). Despite Buchanan's initial noncompliance with that requirement, this Court's review of his original pro se Complaint led it to designate counsel to represent Buchanan from the very outset. Because under the circumstances it would be unfair to allow Buchanan to derive a benefit from his tardy compliance, this memorandum order will go beyond setting the initial partial payment on account of the filing fee, as called for in Section 1915(b)(1).

With Buchanan's current filing having identified December 27, 2013 as his probable filing date of the Complaint (when given the benefit of the "mailbox rule" under Houston v. Lack, 487 U.S. 266 (1988)), the average monthly deposits to his trust fund account during the six-month period from June 28 through December 27, 2013 (see Section 1915(b)(1)(A)) came to \$41.67, 20% of which (*id.*) amounted to \$8.33. Hence this Court grants Buchanan's In Forma

Pauperis Application in accordance with the standards of Section 1915, so that he must pay the entire \$350 filing fee on the installment plan. In the present situation what that means is this:

1. \$8.33 is the initial partial filing fee.
2. Section 1915(b)(2) requires Buchanan to "make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account." As of March 4, 2014 (the last date covered by the trust fund account printout previously provided by Buchanan's appointed counsel) the deposits that had been made since December 27, 2013 added up to \$135, so that another \$27 (20% of that figure) must be remitted to the Clerk's Office forthwith.
3. Beginning with the month of March 2014 (except that the \$30 deposit on March 4 should be omitted from the calculation), the trust fund officer at Cook County Jail is ordered to comply with the above-ordered statutory directive until the full \$350 filing fee has been paid.

Accordingly the Cook County Jail trust fund officer is ordered to collect \$35.33 from Buchanan's trust fund account there and to pay it directly to the Clerk of Court ("Clerk"):

Office of the Clerk
United States District Court
219 South Dearborn Street
Chicago IL 60604

Attention: Fiscal Department

After such payment the trust fund officer at Cook County Jail (or at any other correctional facility where Buchanan may hereafter be confined) is authorized to collect monthly payments from his trust fund account in an amount equal to 20% of the preceding month's income credited

to the account. Monthly payments collected from the trust fund account shall be forwarded to the Clerk each time the amount in the account exceeds \$10 until the full \$350 filing fee is paid. Both the initial payment and all future payments shall clearly identify Buchanan's name and the 14 C 27 case number assigned to this action. To implement these requirements, the Clerk shall send a copy of this order to the Cook County Jail trust fund officer.



Milton I. Shadur
Senior United States District Judge

Date: March 25, 2014